REMARKS

Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks. Claims 1, 29, and 36 have been amended. Currently, claims 1-43 are pending in the present application of which claims 1, 29, and 36 are independent.

No new matter has been introduced by way of the claim amendments; entry thereof is therefore respectfully requested.

Claims 1-7, 9-11, 13-19, 21-32, and 35-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kazi et al. ("JaViz: A Client/Server Java Profiling Tool") in view of Blumson et al. ("Automatic Insertion of Performance Instrumentation for Distributed Applications"). Claims 8, 12, and 43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kazi et al. and Blumson et al. as applied to claims 7, 9, and 36, respectively, and further in view of Courant et al. (U.S. Patent Number 5,522,073). Claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kazi et al. and Blumson et al. as applied to claim 9 and further in view of Brandle et al. (U.S. Patent Number 5,146,593). Claims 33 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kazi et al. and Blumson et al. as applied to claim 29 and further in view of Peek et al. ("Unix Power Tools"). The above rejections are respectfully traversed for at least the reasons set forth below.

Claim Rejection Under 35 U.S.C. §103

The test for determining if a claim is rendered obvious by one or more references for

purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

> To establish a *prima facie* case of obviousness, three basic criteria
> must be met. First, there must be some suggestion or motivation,
> either in the references themselves or in the knowledge generally
> available to one of ordinary skill in the art, to modify the reference
> or to combine reference teachings. Second, there must be a
> reasonable expectation of success. Finally, the prior art reference
> (or references when combined) must teach or suggest all the claim
> limitations. The teaching or suggestion to make the claimed
> combination and the reasonable expectation of success must both
> be found in the prior art and not based on applicant's disclosure. *In
> re Vaeck,* 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails

to render obvious the claimed invention and, thus, the claimed invention is distinguishable

over the cited reference(s).

Claims 1-7, 9-11, 13-19, 21-32, and 35-42 were rejected under 35 U.S.C. § 103(a) as

being unpatentable over Kazi et al. in view of Blumson et al. This rejection is respectfully

traversed because Kazi et al. and Blumson et al., considered singly or in combination, fail to

teach or suggest the claimed invention as set forth in claims 1, 29, 36, and their dependents.

Kazi et al. discloses a client/server java profiling tool. The tool records information

about execution including method calls that were invoked as part of a client's call. See Page

98 Second Paragraph. Kazi et al. performs these tasks using three major components: an

instrumented Java Virtual Machine, a set of post-processing tools, and a visualization tool.

See Page 98 Third Paragraph. The instrumented Java Virtual Machine includes additional

code to directly measure method execution times. The instrumented Java Virtual Machine

executes a Java program and generates three trace files. See Page 99 Paragraphs 1 and 2.

Also See Page 98, Figure 1. The trace files are later used by the post-processing tools and visualization tools to view the results of the profiling.

Blumson et al. discloses a method for automatically inserting performance instrumentation into a distributed application. Blumson et al. instruments stubs by producing them using a modified interface definition language compiler such that the stubs contain code for recording method execution times. See Page 6 Section 6.1. The instrumented stubs contain code for recording these times, however, they do not contain code for transmitting additional information. See Pages 6 and 7, which shows actual code segments from an instrumented stub. Because Blumson et al. does not transmit additional information, Blumson et al. further states that "We have been less successful at making the data useful; the number of different values is simply too large to comprehend using the sorts of graphic monitoring tools that are currently in vogue. For the most part, we have been reduced to simply logging data for a period of time and then using ad hoc tools to construct reports. . . ." See Page 9 Paragraph 3.

Claims 1, 29, and 36, as amended, inter alia, recite transmitting the global causal identifier from the first software component to the second software component wherein the second software component executes on a separate thread and in a system remote from the first software component. The Applicants respectfully submit that Kazi et al. and Blumson et al. fail to teach or suggest transmitting a global causal identifier across threads and remote systems as recited in claims 1, 29 and 36. Kazi et al., as the Examiner has pointed out, does not disclose instrumented stubs or skeletons. Nor does Kazi et al. transmit information or maintain information across different threads of execution. Furthermore, Kazi et al. does not maintain a global causal identifier. In fact, such an identifier is not needed in Kazi et al.

because the Java Virtual Machine itself is instrumented. Therefore, records are maintained centrally and do not make use of a global causal identifier because it is not necessary to combine multiple logs. For instance, Kazi et al. could not maintain an identifier if it called a software component which does not run on a Java Virtual Machine because only the Java Virtual Machine maintains information.

Blumson et al. does not make up for at least this deficiency in Kazi et al. The instrumented stubs in Blumson et al. do not include code for creating, transmitting or recording a global causal identifier. Blumson et al. was designed to record information regarding times as shown in code for the stub on Pages 6 and 7. Otherwise, the instrumented stubs in Blumson et al. operate like regular stubs, which do not create, transmit or record a global causal identifier.

At least by virtue of Kazi et al.'s and Blumson et al.'s failure to teach or suggest the above identified element of claims 1, 29, and 36, a *prima facie* case of obviousness has not been established under 35 U.S.C. § 103. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claims 1, 29, and 36. Claims 2-18 and 21-28 depend form allowable claim 1, claims 30-35 depend from allowable claim 29, and claims 37-43 depend from allowable claim 36 and are also allowable over Kazi et al. in view of Blumson et al. at least by virtue of their dependencies. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claims 1-18 and 21-43.

Claims 8, 12, and 43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kazi et al. and Blumson et al. as applied to claims 7, 9, and 36, respectively, and further in view of Courant et al. The Applicants submit that claims 7, 9, and 36 are not obvious over Kazi et al. in view of Blumson et al. Therefore, claims 8, 12, and 43 which depend from

claims 7, 9, and 36, respectively, are allowable at least by virtue of their dependencies. In addition, the Official Action does not rely upon Courant et al. to make up for the deficiencies in Kazi et al. and Blumson et al. with respect to claims 7, 9, and 36. The Examiner is therefore respectfully requested to withdraw the rejection of claims 8, 12 and 43.

Claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kazi et al. and Blumson et al. as applied to claim 9 and further in view of Brandle et al. The Official Action does not rely upon the disclosure contained in Brandle et al. to make up for the deficiencies in Kazi et al. and Blumson et al. as described hereinabove. In this regard, because claim 9 of the present invention is considered to be allowable over the disclosures contained in Kazi et al. and Blumson et al., Claim 20 is also considered to be allowable over these disclosures. The Examiner is therefore respectfully requested to withdraw the rejection of claims 8, 12 and 43.

Claims 33 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kazi et al. and Blumson et al. as applied to claim 29 and further in view of Peek et al. The Applicants submit that claim 29 is not obvious over Kazi et al. in view of Blumson et al. Therefore, claims 33 and 34 which depend from claim 29 is allowable at least by virtue of their dependencies. In addition, the Official Action does not rely upon Peek et al. to make up for the deficiencies in Kazi et al. and Blumson et al. with respect to claim 29. The Examiner is therefore respectfully requested to withdraw the rejection of claims 33 and 34.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.
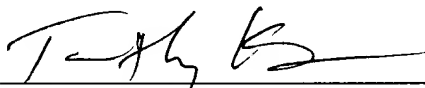
Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

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Dated: March 10, 2005   By

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17